

that rule, except that no Member of the House of Representatives or any other head of an employing authority, or agent of such a Member shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages.

(i)(1) A House employee or an employing authority may request the Board of Directors to review a decision of the hearing board under subsection (g) (including a decision after a remand under paragraph (2)(A)). Such a request shall be made within 30 days of the date of the decision of the hearing board. Review by the Board of Directors shall be based on the record of the hearing board.

(2) The Board of Directors shall issue a decision not later than 60 days after the date of the request under paragraph (1). The decision of the Board of Directors may—

(A) remand to the hearing board the matter before the Board of Directors for the purpose of supplementing the record or for further consideration;

(B) reverse the decision of the hearing board and enter a new decision and order in accordance with subsection (h); or

(C) direct that the decision and order of the hearing board be considered as the final decision.

(j) There shall be established in the House of Representatives a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or (i). From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

#### SEC. 11. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the employing authority resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

#### SEC. 12. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee of the House by any Member, officer, or employee of the House of Representatives because of the exercise of a right under this resolution constitutes an unlawful employment practice, which may be remedied in the same manner under this resolution as is a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives.

#### SEC. 13. CONFIDENTIALITY.

(a) All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing authority of the allegations.

(b) All mediation shall be strictly confidential.

(c) Except as provided in subsection (d), the hearings and deliberations of the hearing board shall be confidential.

(d) At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct access to the records of the hearings and decisions of the hearing boards, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(e) The executive director shall coordinate the proceedings with the Committee on Standards of Official Conduct to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in their respective proceedings.

#### SEC. 14. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) It shall not be a violation of a law made applicable to the House of Representatives under rule LII of the Rules of the House of Representatives to consider the—

- (1) party affiliation,
- (2) domicile, or
- (3) political compatibility with the employing authority,

of an employee of the House with respect to employment decisions.

(b) For purposes of subsection (a), the term "employee" means—

- (1) an employee on the staff of the House of Representatives leadership,
- (2) an employee on the staff of a committee or subcommittee,
- (3) an employee on the staff of a Member of the House of Representatives,
- (4) an officer or employee of the House of Representatives elected by the House of Representatives or appointed by a Member of the House of Representatives, other than those described in paragraphs (1) through (3), or
- (5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

#### SEC. 15. EXCLUSIVITY OF PROCEDURES AND REMEDIES.

The procedures and remedies under rule LII of the Rules of the House of Representatives are exclusive except to the extent that the Rules of the House of Representatives and the rules of the Committee on Standards of Official Conduct provide for additional procedures and remedies.

#### SEC. 16. STUDY.

(a) The Office shall conduct a study—

- (1) of the ways that access by the public to information held by the House of Representatives may be improved and streamlined, and of the application of section 552 of title 5, United States Code to the House of Representatives; and
- (2) of the application of the requirement of section 552a of title 5, United States Code, to the House of Representatives.

(b) The study conducted under subsection (a) shall examine—

- (1) information that is currently made available under such section 552 by Federal agencies and not by the House of Representatives;
- (2) information held by the nonlegislative offices of the House of Representatives, including—

- (A) the Director of Non-legislative and Financial Services,
- (B) the Clerk,
- (C) the Inspector General,
- (D) the Sergeant at Arms,
- (E) the Doorkeeper,
- (F) the United States Capitol Police, and
- (G) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the House of Representatives; and

(4) provisions for judicial review of denial of access to information held by the House of Representatives.

(c) The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the House of Representatives not later than one year after the date of the initial appointment of the Board of Directors.

#### SEC. 17. EFFECTIVE DATE AND TRANSITION RULES.

(a) The amendments made by section 1 shall take effect on November 1, 1994.

(b) Effective at the beginning of the second session of the One Hundred Fourth Congress, rule LI of the Rules of the House of Representatives is repealed and rule LII of such Rules is redesignated as rule LI and all references to rule LII in sections 2 through 16 of this resolution are deemed to be references to rule LI of such Rules.

(c) Notwithstanding subsection (b), until the beginning of the second session of the One Hundred Fourth Congress, the functions under rule LI of the Rules of the House of Representatives that are the responsibility of the Office of Fair Employment Practices shall continue to be the responsibility of that Office.

(d) Any formal complaint filed under rule LI of the Rules of the House of Representatives before the close of the first session of the One Hundred Fourth Congress which has not been finally disposed of shall be transferred to the Office of Compliance for completion of all pending proceedings relating to that complaint. The Office of Compliance may make regulations to provide for the orderly transfer and disposition of such complaints.

(e) In appointing staff under section 4(b), the executive director should give full consideration to employees of the Office of Fair Employment Practices.

(f) Sections 1 through 16 and subsections (a) through (e) of this section shall have no force or effect upon the enactment by the One Hundred Third Congress of the Congressional Accountability Act, whether by enactment of the bill H.R. 4822, by incorporation of the text of that bill in another measure, or otherwise.

SEC. 18. The Chairman and ranking minority member of the Committee on House Administration, acting jointly, shall study and report recommendations to the Speaker and minority leader, no later than January 3, 1995, for changes in House Rule LII to be adopted by the House to reconcile such rule with the existing jurisdiction of the Committee on House Administration.

SEC. 19. The General Counsel of the House shall conduct a study to be submitted to the Speaker, Minority Leader, and the chairmen and ranking minority members of the Committees on House Administration and Rules no later than January 3, 1995 on further changes in House rules to provide to employees of the House (as defined in section 2) the ability to bring a civil action in Federal district court against an employing authority (as defined in section 2) for an alleged violation under Federal law to the extent that such violation relates to the terms and conditions of employment, until the statutory provisions contained in H.R. 4822, as passed by the House, are enacted.

#### ¶122.60 CONGRESSIONAL GOLD MEDAL

On motion of Mr. KENNEDY, by unanimous consent, the Committee on Banking, Finance and Urban Affairs was discharged from further consideration of the bill (H.R. 4497) to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶122.61 RULES MANUAL PRINTING

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 580):

*Resolved*, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fourth Congress be printed as a House document, and that two thousand additional copies shall be printed and bound for the use of the House of

Representatives, of which seven hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### ¶122.62 ORGANIZATIONAL CAUCUSES

Mr. GEPHARDT, by unanimous consent, submitted the following resolution (H. Res. 581):

*Resolved*, That any organizational caucus or conference in the House of Representatives for the One Hundred Fourth Congress may begin on or after November 27, 1994.

Sec. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### ¶122.63 SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That, notwithstanding the adjournment of the second session of the One Hundred Third Congress, the Speaker and Minority Leader be authorized to accept resignations and to appoint commissions, boards and committees duly authorized by law or by the House.

#### ¶122.64 EXTENSION OF REMARKS BY COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That the chairman and ranking minority Member of each standing committee and each subcommittee thereof be permitted to extend their remarks in the Congressional Record, up to and including the last publication thereof, and to include a summary of the work of that committee or subcommittee.

#### ¶122.65 GENERAL LEAVE TO EXTEND REMARKS UNTIL LAST EDITION OF THE RECORD

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That all Members of the House shall have the privilege, until the last edition authorized by the Joint Committee on Printing is published, to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to ex-

plain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred, or to any speech delivered subsequent to the adjournment of Congress.

#### ¶122.66 REPORTS FILED WITH THE CLERK—PRINTING

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That following adjournment sine die, committees authorized to conduct investigations may be permitted to file reports with the Clerk; and that such reports, and reports on the activities of committees pursuant to clause 1(d), rule XI, may be printed by the Clerk as reports of the 103d Congress.

#### ¶122.67 TRANSPORTATION OF MUNICIPAL SOLID WASTE

On motion of Mr. SWIFT, by unanimous consent, the bill of the Senate (S. 2345) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SWIFT submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the enacting clause and insert in lieu thereof the following:

#### TITLE I—INTERSTATE WASTE

##### SEC. 101. SHORT TITLE.

This Act may be cited as the "State and Local Government Interstate Waste Control Act of 1994".

##### SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

##### "SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—(A) Effective January 1, 1995, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) An authorization granted pursuant to subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

"(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal

solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

"(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

"(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

"(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

"(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

"(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

"(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

"(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

"(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.